

INTERVIEW SUMMARY

Applicant thanks Primary Examiner Boccio for an interview to discuss the status of the application on Feb. 23, 2006. Primary Examiner Boccio and Applicant discussed the claims and specification in light of the references and came to a resolution. Both Primary Examiner Boccio and Applicant agreed that Applicant will narrow the limitation in relation to the "buttons" in claim 40 and will incorporate portions of claims 49 and 51 into claim 46. Primary Examiner Boccio accepted Applicant's amendment to claim 52 and was receptive to Applicant's arguments to claim 57.

REMARKS

Attached please find Applicant's response to the Office Action mailed Nov. 17, 2005. Claims 7, 8, 13-18, 25-26, 30-31 and 56 have been cancelled. Claims 40-48, 49, 50, 51, 52-55 and 57 remain pending in the application. Claims 40, 46-52 and 54-55 have been amended. No claim has been added.

Claims 7, 25, 40-42, 44-48, 50-54, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butler et al., US Publication No. 2002/0007493 ("Butler") and Ludtke, US Pat. No. 6,202,210 ("Ludtke") and Alloul et al., US Pat. No. 6,032,130 ("Alloul")

Butler describes a video broadcast system includes a broadcast source that broadcasts a video stream and provides accompanying HTML data files. The disclosure directs specifically to personal computers (PC) or televisions (TV) using satellite dish to receive digital satellite broadcasts or regular antenna for receiving analog TV signals (Butler, 0024 and Figure 1) and in displaying ancillary data with live transmitted video on

a PC (Butler, 0002). The ancillary data or HTML files are overlaid with video for display.

Ludtke describes a system to collect information about users' behavior for use with a home audio-visual (AV) network where consumer electronic devices are communicatively coupled. Ludtke's object is to leverage the intelligences of the latest home devices and modern home AV networks, such as a IEEE 1394 based network, for the purposes of data collection and retrieval (Ludtke, Col.2, lines 32-44). This data collection system is aimed to replacing other prior art means of data collection such as "send in your registration card" concept, in-person canvassing, phone surveys etc. (Ludtke, Col.7, lines 52-55).

Alloul discloses a "kiosk for use in malls and shopping centers" (Abstract) to present catalog information and for "placing electronic orders of items from such catalog" (Col. 1 lines 8-10) to customers. Alloul's object is to provide a store in the form of a kiosk for browsing and purchasing as supported by Col1. lines 31-35 and 49-56. The object is to offer on-line product information via the internet, thereby allowing clients to access a vendor's or supplier's website, browse a product catalog, download product information such as still and motion images and possibly order selected items via the Internet (Alloul, Col.1 lines 31-35). Alloul's kiosk is situated in a mall or shopping center and itself can act as a store in allowing customers to browse a catalog and complete purchasing transactions.

Independent claims 7 and 25:

Independent claims 7 and 25 have been cancelled.

Independent claim 40:

Independent claim 40 as amended contains the limitations "a plurality of in-store kiosks near points of purchases in stores located across different geographic locations ...

questions to collect personal information from users ... a plurality of buttons on both sides of the active screen to receive various user inputs ... a central server ... to periodically receive data uploaded from ... in-store kiosks ... central server including ... local directory structure, storing different data content for transmission to different ones of the plurality of in-store kiosks ...” (emphasis added)

Butler describes a video broadcast system to transmit video and ancillary data while Ludtke describes a system to collect information about users via home AV networks. Neither Butler nor Ludtke teaches or suggests an “in-store” kiosk. Applicant’s claim includes the limitation of an “in-store” kiosk, where the kiosk is physically located within a store and the kiosk’s operations are directed at in-store usage. Alloul teaches a kiosk, but the kiosk is for use in “malls and shopping centers” (Abstract) and not described or suggested to be placed within a store. Instead, Alloul describes the purpose for his kiosks in “malls and shopping centers” as an object where users can browse a catalog and complete purchase.

Further distinguishing from Alloul, Applicant’s claim 40 includes the limitations of “near point of purchase” and having “stores located across different geographic location” where “a central server ... storing different data content for transmission to different ones of the plurality of in-store kiosks...” As a whole, these limitations disclose an in-store kiosk where each can be located in different geographic locations inside a different store, near a point of purchase inside the store. However, among the in-store kiosk’s many features, one is to “collect personal information from users”. Alloul fails to teach this limitation.

Alloul's in-mall or in-shopping center kiosks provide catalog browsing and product purchasing features which contains the same information regardless of the location and merely teaches a computer based internet shopping experience in a mall (as supported by Col. 5, lines 58-63). In particular, Alloul teaches "by getting both graphical multimedia presentations and time-variable information, the clients have the impression that they are directly connected to the store." (Alloul, Col. 6, lines 37-39). Thus Alloul teaches away from having the kiosk physically in a store because Alloul wants to give the clients an impression that they are directly connected to the store rather than actually being in the store. Further distinguishing Alloul, Applicant's in-store kiosks can be located at different stores across different geographical locations. Associated with different stores can be sale of different merchandise and inventories in the different stores at different locations. Thus, in order to complement the different merchandise sold in the different stores, each of these in-store kiosks will naturally contain different information based on the different merchandise and the different location, as oppose to Alloul's kiosks which can provide access to a same catalog regardless of where the kiosk is located. Furthermore, Applicant's claim has a distinguishing feature wherein "a plurality of buttons are located on both sides of the active screen", a feature not taught or suggested in Alloul. As such, Applicant respectfully submits that the limitations in claim 40 are not taught or suggested by the combination of Butler, Ludtke and Alloul and respectfully requests the withdrawal of the claim rejection.

Independent claim 46:

Independent claim 46 as amended contains the limitation "...plurality of in-store kiosks ... wherein each has a card swipe to receive information off a membership club

card of end users, and is located in a different store... to promote products and move inventories within the different stores where each of the plurality of in-store kiosks is correspondingly located” (Emphasis added).

As explained in claim 40, Butler and Ludtke fail to teach or suggest the limitation of an “in-store kiosk”. Alloul is also distinguished to teach a “kiosk for use in malls and shopping centers” (Abstract) so that “... the clients have the impression that they are directly connected to the store” (Col. 6, lines 37-39). Thus Alloul is describing a computer based internet shopping experience in a mall setting (as supported by Col. 5, lines 58-63). Claim 46 includes limitations such as “... a card swipe to receive information off a membership club card of end users ... to promote products and move inventories within the different stores where each of the plurality of in-store kiosks is correspondingly located.” Therefore, Applicant’s in-store kiosks contain “dynamic advertising material and changeable promotional information” which are based on in-store merchandise and inventory. On the contrary, Alloul does not teach a kiosk with any of these specific features which direct toward enhancing an in-store shopping experience, instead, Alloul teaches toward a general internet shopping experience via an electronic catalog in a kiosk in a mall setting. As such, Applicant respectfully submits that claim 46 is patentable over Butler, Ludtke and Alloul and respectfully requests withdrawal of the claim rejection.

Independent claim 52:

Independent claim 52 as amended contains the limitations “ ... plurality of in-store kiosks ... integrating the markup language with the video content ... interact with

end-users to promote products and move inventories within different stores where each of the plurality of in-store kiosks is correspondingly located ... storing responses ... uploading usage statistics ... storing usage statistics ... ” (Emphasis added).

Butler and Ludtke, as described above, fail to teach or suggest an “in-store kiosk”. Alloul teaches toward a general internet shopping experience via an electronic catalog in a shopping mall setting. Applicant’s claim 52 include the limitations “interact with end-users to promote products and move inventories within different stores where each of the plurality of in-store kiosks is correspondingly located”, “storing responses”, “uploading usage statistics” and “storing usage statistics”. Applicant’s claim distinguishes from Alloul by directing to an “in-store” shopping experience by promoting products and moving inventories which are available within the store. Furthermore, “storing responses”, “uploading usage statistics” and “storing usage statistics” are functions of the in-store kiosks which are designed toward gathering usage data, for that particular store, with an object to further improve an in-store shopping experience for users at that store. As such, Applicant respectfully submits that the claim 52 is patentable over Butler, Ludtke and Alloul and respectfully requests withdrawal of the claim rejection.

Dependent claims 41, 42, 44, 45, 47, 48, 50-51, 53, 54 and 56:

Dependent claims 41, 42, 44, 45, 47, 48, 50-51, 53, 54 and 56 depend from claims 40, 46 and 52 and thus incorporate the limitations contained therein. For at least this reason, Applicant submits that these dependent claims are patentable over Alloul, Butler and Ludtke and respectfully requests the withdrawal of the claim rejections.

Claims 43, 49, 55 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butler, Alloul and in view of Kaplan U.S. Pat. No. 5,237,157 (“Kaplan”).

Butler and Alloul are described above and fail to teach or suggest an “in-store kiosk”. As discussed above, Alloul teaches toward a general internet catalog based shopping experience. Kaplan describes a kiosk as a method for point of preview in a remote location for compilation of market data particularly for the music industry (Kaplan, Col.1, lines 18-20). The kiosk acts as an interactive listening booth with audio and video presentations to preview music before purchasing selections at record stores. No keyboard is used, the system interface of the kiosk is based on a touch screen and activation of the kiosk requires an access card (Kaplan, Col. 5, lines 22-28). Kaplan teaches a kiosk specifically for a point of music preview to allow users to sample music prior to purchase. Kaplan fails to cure the deficiency of Butler and Alloul.

Dependent claims 43, 49 and 55

Claims 43, 49 and 55 depend from claims 40, 46, and 52 respectively. For at least this reason, Applicant respectfully submits that claims 43, 49 and 55 are patentable over Butler in view of Alloul and Kaplan and respectfully requests withdrawal of the claim rejections.

Independent claim 57

Independent claim 57 as amended contains the limitations “... in-store kiosks ... stored thereon full motion video content regarding products being sold in the retail store ... stored therein remotely changeable data content received over the network regarding latest product and sales promotion information for products being sold in the retail store ... a printer ... a server coupled to each of the plurality of devices through the network to selectively distribute up-to-date versions of the remotely changeable data based on store specific needs” (Emphasis added).

Butler fails to describe or suggest an in-store kiosk. Alloul's kiosk is located in a mall or a shopping center and targeted toward an internet based shopping experience. In particular, Alloul's kiosk teaches to present "catalog information" to customers and for "placing electronic orders of items from such catalog" (Col. 1, lines 8-10). Kaplan describes a kiosk used as a point of music preview to allow users to sample music before purchase. Neither Alloul nor Kaplan suggests having "full motion video content regarding products being sold in the retail store", having "latest product and sales promotion information for products being sold in the retail store" and a server that "selectively distribute up-to-date versions of the remotely changeable data based on store specific needs". Applicant teaches toward an in-store shopping experience specifically provided by "full motion video content" and "latest product and sales information" for "products being sold in the store". Moreover, remotely changeable data can be selectively distributed based on "store specific needs", which further emphasizes the enhancement of an in-store shopping experience. On the contrary, Alloul merely teaches the use of a kiosk as an electronic catalog for user to select products, while Kaplan teaches the use of a kiosk to sample music before purchase. Neither Alloul nor Kaplan teaches the enhancement of a user's "in-store" shopping experience through the use of "full motion video" and "product sales and promotional information" directed specifically to the "products sold in the store" or the "specific needs" of the store. As such, Applicant respectfully submits that claim 57 is patentable over Butler in view of Alloul and Kaplan and respectfully requests the withdrawal of the claim rejections.

Claims 8, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination Butler, Ludtke and Alloul further in view of Jefferson et al., U.S. Pat. No. 5,712,994 ("Jefferson").

Depend claims 8 and 26 have been cancelled.

Claims 13-17, 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butler, Abgrall, U.S. Pat. No. 6,401,202 (“Abgrall”), Nishio, U.S. Pat. No. 5,557,317, and Ludtke as applied and further in view of Alloul.

Claims 13-17 and 30-31 have been cancelled.

Claims 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Abgrall, Nishio, and Ludtke, further in view of Alloul and Jefferson.

Dependent claim 18 has been cancelled.

CONCLUSION

Applicant respectfully submits that the rejections have been overcome by the remarks, and that the Claims are in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the Claims be allowed.

Invitation for a telephone interview

The Examiner is invited to call the undersigned at 408-720-8300 if there remains any issue with allowance of this case.

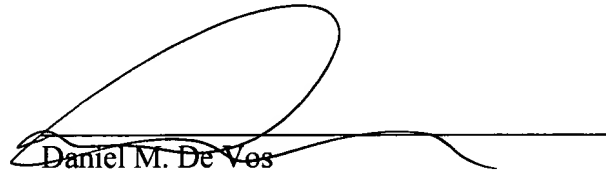
Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: March 1, 2006



Daniel M. De Vos
Reg. No. 37,813

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025-1026
(408) 720-8300